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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 10-0643 LHK
)	
12 Plaintiff,)	STIPULATION TO CONTINUE
)	HEARING AND EXCLUDE TIME;
13 v.)	[PROPOSED] ORDER
)	
14 EDUARDO SEGUNDO-SANCHEZ,)	
)	
15 Defendant.)	
16)	

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the Court's approval, the hearing in the above-captioned matter, presently scheduled
19 for Wednesday, November 24, 2010 at 10:00 a.m., be continued to Wednesday, December 8,
20 2010 at 10:00 a.m.

21 The continuance is requested because defense investigation is ongoing. Specifically, the
22 defense is in the process of obtaining records that may be pertinent to the criminal history
23 calculation. Additionally, both counsel will be in trial in another matter during the week of
24 November 29, 2010, and will be unavailable to appear on this case during the week of November
25 29.
26

The parties further agree that time should be excluded under 18 U.S.C. § 3161(h) (7)(A) of the Speedy Trial Act. Grounds for the exclusion of time include continuity of counsel, as well as the fact that the defense requires time for effective preparation. Accordingly, the parties agree that the ends of justice outweigh the defendant's and the public's need for a speedy trial.

Dated: 11/22/10

/s/
LARA S. VINNARD
Assistant Federal Public Defender

Dated: 11/22/10

/s/
BRAD PRICE
Special Assistant United States Attorney

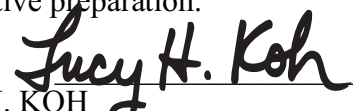
[PROPOSED] ORDER

The parties have jointly requested a continuance of the hearing set for Wednesday, November 24, 2010, because the defense requires time to complete investigation.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Wednesday, November 24, 2010 be continued to Wednesday, December 8, 2010, at 10:00 a.m.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that in the interest of justice, the period of time from November 24, 2010 to December 8, 2010, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv). The Court finds that in light of the defendant's need for additional time for investigation, and in view of both counsels' unavailability during the week of November 29, the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds that the failure to grant such a continuance would deny both parties continuity of counsel, and would deny counsel for the defendant reasonable time necessary for effective preparation.

Dated: 11/23/2010


LUCY H. KOH
United States District Judge